

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No.
)	11-00302-02-CR-W-DW
JAMES EDDY,)	
)	
Defendant.)	

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on November 20, 2013. Defendant James Eddy appeared in person pro se. Stand-by counsel, Katrina Robertson, was present. The United States of America appeared by Assistant United States Attorneys Leena Ramana and Sydney Sanders.

I. BACKGROUND

On February 22, 2012, a superseding indictment was returned charging defendant with conspiracy to manufacture methamphetamine, in violation of 21 U.S.C. § 846; one count of possessing pseudoephedrine knowing it would be used to manufacture methamphetamine, in violation of 21 U.S.C. § 841(c)(2); and one count of possessing chlorine tablets knowing they would be used to manufacture methamphetamine, in violation of 21 U.S.C. §§ 843(a)(6) and (d)(2)(C). Co-defendant Bradley Frazier pled guilty on November 15, 2012; co-defendant Lorrie Dolan pled guilty on June 26, 2013; co-defendant Megan Pauley pled guilty on May 24, 2012; and co-defendant Dustin Nickell pled guilty on January 30, 2013.

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Ms. Ramana announced that she and Ms. Sanders will be the trial counsel for the government. The case agent to be seated at counsel table is Task Force Officer Tim Phipps, ATF.

Mr. Eddy announced that he will try the case pro se.

III. OUTSTANDING MOTIONS

There are currently nine motions in limine filed by defendant (numbers 157, 231, 278, 279, 361 278, 381, 389, and 391) and one motion in limine filed by the government (number 180) pending for ruling by the district judge. A hearing on these motions has been set before Judge Whipple on November 21, 2013.

IV. TRIAL WITNESSES

Ms. Ramana announced that the government intends to call 15 witnesses without stipulations or 12 witnesses with stipulations during the trial.

Mr. Eddy announced that he intends to call 142 witnesses during the trial. The defendant will not testify.

V. TRIAL EXHIBITS

Ms. Ramana announced that the government will offer approximately 15-20 exhibits in evidence during the trial.

Mr. Eddy announced that he will offer approximately 21 exhibits in evidence during the trial.

VI. DEFENSES

Mr. Eddy announced that he will rely on the defense of general denial.

VII. POSSIBLE DISPOSITION

Mr. Eddy stated this case may be for trial.

VIII. STIPULATIONS

Stipulations are likely as to evidentiary foundation for documents.

IX. TRIAL TIME

Government counsel stated it would take two days for its case. Defendant stated that it will take 13 days for his defense.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed May 18, 2012, counsel for the government and pro se defendant file and serve a list of exhibits he or she intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by November 20, 2013;

That counsel for the government and pro se defendant file and serve requested jury voir dire examination questions by or before noon, Wednesday, November 27, 2013 (defendant is reminded that documents must reach the court by the due date);

That counsel for the government and pro se defendant file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions¹ by or before noon, Wednesday, November 27, 2013. The parties are requested to

¹The parties in all cases assigned to be tried before Chief Judge Fernando Gaitan, Jr., as reflected in the forthcoming trial letter, shall meet and prepare a packet of agreed proposed jury instructions to be submitted to Judge Gaitan and e-mailed to marylynn_shawver@mow.uscourts.gov and rhonda_enss@mow.uscourts.gov by Friday, November 29, 2013. To the extent there are disagreements to certain instructions, each party shall tab and submit his or her preference on those instructions. The instructions shall be listed in the order they are to be given.

provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

XI. UNUSUAL QUESTIONS OF LAW

No further motions in limine are anticipated. There are no unusual questions of law.

XII. TRIAL SETTING

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on December 2, 2013.

/s/ Robert E. Larsen
ROBERT E. LARSEN
U. S. Magistrate Judge

Kansas City, Missouri
November 20, 2013